

## Appendix 9

# VR&E Legislative History

### **After World War I**

Vocational rehabilitation began as a government service to war-injured veterans and disabled citizens during the World War I era. In 1917, the War Risk Insurance Act of 1914 was amended to provide courses for rehabilitation and vocational training in cases of dismemberment, injuries to sight or hearing, and other injuries resulting in permanent disability. Eligibility for vocational rehabilitation was established retroactively to the date the United States entered World War I-April 6, 1917. Individuals disabled in service between World War I and II had no opportunity to benefit from vocational rehabilitation, as the program did not exist.

### **After World War II**

In 1943, Public Law 78-16 reestablished the vocational rehabilitation program for veterans of World War II. Achievement of vocational rehabilitation was again defined as completing suitable vocational training, just as it had been during the World War I era. The maximum entitlement was four years, and no veteran could receive rehabilitation beyond six years after the war's end. Approximately 621,000 disabled veterans received vocational rehabilitation training following their service in World War II.

### **Benefits in Peacetime**

Recognizing for the first time the nation's debt to disabled veterans of peacetime military service, Congress established Public Law 87-815 in 1962. This public law authorized vocational rehabilitation benefits for veterans who served during peacetime between World War II and the Korean Conflict. However, eligibility was more restrictive than for wartime disabled veterans. Veterans with 10 percent and 20 percent service-connected disability ratings were not eligible for vocational rehabilitation services. The restrictiveness of this peacetime legislation also applied to the vast majority of Vietnam era veterans who received reduced benefits from August 1964 to January 1975, a period some have argued to have been their time of greatest need.

### **Relaxed Eligibility and Entitlement**

Public Law 93-508 enacted in 1974, relaxed eligibility and entitlement provisions of the veterans' vocational rehabilitation program. The legislation allowed the delivery of rehabilitation services to 10 percent and 20 percent service-connected disabled veterans whom VA determined to be in need of vocational rehabilitation services. The term "vocational rehabilitation" continued to be defined as training to restore employability lost as a result of a service-connected disability. Thus, veterans who successfully completed training for suitable employment were determined to be rehabilitated.

### **Congressional Scrutiny**

In the late 1970s, the veterans' vocational rehabilitation program came under sustained congressional scrutiny. Congress directed VA to engage in greater efforts to encourage veterans to use available vocational rehabilitation and counseling services. In 1977, Public Law 95-202 mandated that the Veterans Administration review its vocational

rehabilitation program and compare it to the authority provided the state-federal vocational rehabilitation program under the Rehabilitation Act of 1973. The review concluded that the vocational rehabilitation program was in need of substantial revision to bring it up-to-date with current rehabilitation practices. In response to these findings, the VA Administrator created a task force to improve the program.

### **Suitable Employment and Independent Living Added**

The work of the task force resulted in the creation of the current VA Vocational Rehabilitation Program through the enactment of the Veterans' Rehabilitation and Education Amendments of 1980 (Public Law 96-466). The purpose of the program was changed to enable veterans with service-connected disabilities to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment. This change expanded the scope of vocational rehabilitation beyond just training to include both suitable employment and independence in daily living, and fundamentally changed the philosophy and purpose of the program.

Apart from suitable employment, Public Law 96-466 added another new dimension to VA's vocational rehabilitation program – that of independent living. VA was now mandated to provide rehabilitation services to the most severely disabled veterans, even though they may never become competitively employed.<sup>1</sup> This new aspect of the program was designed to provide services that enable severely-disabled veterans to live and function as independently as possible. By adding this component to its rehabilitation program, VA was following the lead established by other non-veteran public vocational rehabilitation programs.

### **Changes in Eligibility Requirements**

Eligibility requirements tightened again in 1990, when Public Law 101-508 increased the level of disability required for program entitlement from 10 to 20 percent. Veterans with 10 percent disability rating already in the program or who had previously applied for the program could continue to receive rehabilitation services. However, this program eligibility restriction was short-lived. By 1993, Public Law 102-568 changed the requirements again so that certain veterans with 10 percent disability ratings could participate in the program.

Currently, veterans are eligible for program services if they have a 20 percent or higher compensable service-connected disability and VA determines they have an employment handicap. The law defines an employment handicap as an impairment of a veteran's ability to prepare for, obtain, or retain employment consistent with his or her abilities, aptitudes, and interests. Veterans with a 10 percent service-connected disability also may be eligible if they meet the additional criterion of having a serious employment handicap. The law defines a serious employment handicap as a significant impairment of a veteran's ability to prepare for, obtain, or retain employment consistent with his or her abilities, aptitudes, and interests. The eligibility period generally extends for 12 years, beginning on the date VA notifies the veteran of a qualifying rating. Veterans found eligible for services can receive up to 48 months of benefits during the 12-year period.

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<sup>1</sup> Recent advances in medicine, technology, and public attitudes make employment a possibility for severely-disabled veterans.